

application. Applicant's undersigned attorney then had a teleconference with Examiner Gilberto Barron, who was identified as being the acting Supervisory Patent Examiner for Technology Center 2700. Examiner Barron confirmed that an examiner had not yet been assigned to the case, and recommended that the Applicant thus submit a written response to the outstanding Office Action prior to a possible examiner interview. Accordingly, Applicant respectfully requests reconsideration in view of the following remarks, but respectfully urges that the Examiner contact the undersigned attorney if there are any questions as to the allowability of the pending claims.

II. The Prior Art Rejection

In the Office Action, claims 12-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,003,767 to Hayashida. The Office Action states the following:

Hayashida does not expressly disclose transfer of receipt data from a second transaction apparatus to a first transaction apparatus; however Hayashida does disclose that the first transaction apparatus stands by to receive information on the transferred amount from the second transaction apparatus (column 7, lines 12-21). Therefore, it would have been obvious at the time of the invention to modify the teachings of Hayashida to include transfer of receipt data so that the owner of the first transaction apparatus could audit the previous transactions. Further, Hayashida does not expressly discloses [sic] the storage in the first transaction apparatus of receipt data that lists the items purchase; however, Hayashida does disclose that the first transaction apparatus is capable of displaying transaction details (column 7, lines 57-65). Therefore, it would have been obvious at the time of the invention to modify the teachings of Hayashida to include transfer of receipt data [sic]¹ so that the owner of the first transaction apparatus could audit the previous transactions.

[Emphasis added.]

¹ Applicant believes the Examiner intended to allege that it would have been obvious at the time of the invention to modify the teachings of Hayashida to *include storage in the first transaction apparatus of receipt data that lists the items purchased*, instead of--as stated in the Office Action--"to include transfer of receipt data".

Applicant respectfully submits that this “obvious to modify” rationale does not withstand scrutiny under 35 U.S.C. §103(a), and respectfully requests that the § 103 rejection be withdrawn.

Applicant’s claimed invention (claim 17) is directed to a purchase transaction method where electronic money is sent from a first transaction apparatus to a second transaction apparatus during purchase transactions; receipt data is sent from the second transaction apparatus to the first transaction apparatus; electronic money transfer data, including date and amount of transfer, is stored in the first transaction apparatus; and post-transaction receipt data that lists the purchased items is also stored in the first transaction apparatus.

Applicant’s claimed invention is also directed to (claim 12) an electronic transaction apparatus including a host processor, a first electronic unit and a second electronic unit. The “second electronic unit . . . receives receipt data from another electronic transaction apparatus, wherein said receipt data includes a list of items purchased, and where said second electronic unit is programmed to include a transaction log function that stores post-transaction receipt data.”

As may be appreciated, a feature of Applicant’s claimed invention (which feature is provided, in part, by the receipt data limitations) is that it provides the capability for a purchasing electronic transaction apparatus and a vending/second transaction apparatus to execute a trusted purchase transaction remotely over a network. The transaction apparatuses need not be physically co-located.

Prior to elaborating reasons supporting patentability of Applicant’s claimed subject matter, Applicant respectfully notes that while Hayashida does include description relating to a purchase transaction, the Office Action’s reasoning for rejecting Applicant’s claims (which claims are directed to purchase transactions) instead cites to portions of Hayashida that relate

to a bank (ATM) transaction. Applicant submits that these bank (ATM) transactions are inapposite with respect to Applicant's claimed invention.

Hayashida's description relating to a purchase transaction using a multi-function IC card and a seller's POS terminal includes the following:

When an owner makes a purchase with the multi-function IC card 21 after he puts it in a card-usage-ready status, *he inserts it into the seller's POS terminal device, which is a card reading terminal. . .*

[T]he multi-function IC card 21 stands by to receive the information on the *amount and the date of the owner's purchase* from the reading terminal in a receiving consummation judgment processing (step 639). The information on *the amount and date of a purchase* is inputted by a POS registering unit 51 of the POS terminal device, which is a reading terminal, and sent to the card. When the multi-function IC card 21 detects a consummation of receiving the information, it reads out the stored balance from the amount information memory part 212 in a balance deficiency judgment processing (step 640) to compare it with the purchase amount. Since a payment is possible if the stored amount is greater than or equal to the purchase amount, the multi-function IC card 21 reduces the purchase amount from the stored balance and revises the data of the amount information memory part 212 as the new stored balance. In a transaction detail memory processing (step 642), the multi-function IC card 21 memorizes the data on *the amount and date of the purchase* as an additional transaction detail memory of the amount information memory part 212. This additional memory is stored in a predetermined memory area, so that a read-out in counter-chronological order in response to an inquiry of the stored balance and transaction detail can be performed.

Col. 8, line 56 to col. 9, line 55. [Emphasis added.]

At a shopping check out time, if an owner of the cashless medium 1, i.e. the multi-function IC card 21, inserts the multi-function IC card 21 in working order into a seller POS terminal device 4, the purchase amount total is deducted from the stored balance. The purchase amount deducted from the multi-function IC card 21 is displayed in the display part 215 of the multi-function IC card 21, *which amount can be matched with a shopping receipt received separately.*

When the *card reading/writing unit 52 detects an insertion of the multi-function IC card 21 in a working status (M1)*, it stands by (M2) after reading the bank number and keyword outputted from the multi-function IC card 21 (M3). When a summation key is hit (M4) after all the sales amounts are tallied, the POS register unit 51 computes the sum (M5). Then, after detecting a card insertion (M6), the POS register unit 51 sends the purchase amount to the card reading/writing unit 52 (M7). The card reading/writing unit 52 sends the purchase amount to the multi-function IC card 21 through its card

reading/writing part 521 (M8). The multi-function IC card 21 rewrites the stored balance (M10), stores the transaction record by creating it (M11), and displays the deducted amount in its display part 215 (M12). The multi-function IC card 21 then sends the transaction record to the POS terminal device 4 (M13). The card reading/writing unit 52 stores the tallied sum of the sales amount with the multi-function IC card 21 sorted by the issuing bank of the multi-function IC card 21 in the sales tallying file 53 by revising its memory (M14), and notifies the POS register unit 51 of the transaction consummation (M15) and ejects the card (M16). *The POS register unit 51 that receives the consummation notice issues a receipt (M18) after making a tally (M17).*

When ejected from the POS terminal device 4, the multi-function IC card 21 displays the deducted amount on its display part 215 (M19) and turns its power off (M20) when time is up or the power key is hit.

Col. 17, line 55 to col. 18, line 26. [Emphasis added.]

As acknowledged in the Office Action, Hayashida discloses neither transferring receipt data from a second transaction apparatus to a first transaction apparatus nor storing in the first transaction apparatus receipt data that lists the items purchased. The Office Action asserts, however, that Hayashida's disclosure of the first transaction apparatus receiving information on the transferred amount from the second transaction apparatus, and being capable of displaying transaction details renders it obvious to modify the teachings of Hayashida to include transfer of receipt data so that the owner of the first transaction apparatus could audit the previous transactions.

Applicant respectfully disagrees, and submits that even in view of Hayashida's disclosure of a multi-function IC card 21 storing data on the amount and date of purchase and displaying stored transaction details, there is no motivation or suggestion for one skilled in the art to modify Hayashida to provide, *inter alia*, transferring receipt data from a second transaction apparatus to a first transaction apparatus, nor a *fortiori*, transferring from a second transaction apparatus to a first transaction apparatus receipt data that lists the items purchased. Similarly, nor is there any motivation or suggestion for modifying Hayashida to

include storing in the first transaction apparatus receipt data that lists the items purchased.

More specifically, Applicant respectfully submits that Hayashida does not provide any suggestion or motivation for transferring receipt data as claimed because, *inter alia*, Hayashida is focused solely on providing cashless transactions wherein the multi-function IC necessarily physically engages the other transacting device (i.e., the POS device for purchases, or the ATM for deposits or withdrawals). In stark contrast, Applicants' claimed invention is not limited to such direct/local transactions but also addresses, *inter alia*, trusted remote transactions. Accordingly, one of ordinary skill in the art addressing the problem of providing trusted remote transactions would not look to the teachings of Hayashida.

Nevertheless, even assuming *arguendo* that the ordinarily skilled artisan would consider Hayashida, Hayashida's focus solely on direct/local transactions that may include issuance of a physical shopping receipt (i.e., a paper, non-electronic receipt) in no way suggests electronic transfer of receipt data nor electronic transfer of receipt data that includes a list of items purchased, as claimed by Applicant. That is, there is no motivation or suggestion for modifying Hayashida's explicit teaching of a POS device issuing a physical shopping receipt as part of a direct/local transaction (as is well-known) in a manner that would have provided Applicant's claimed invention because, *inter alia*, Hayashida in no way suggests that its teachings may be applied to remote transactions, and Hayashida's transaction detail memory (i.e., which stores amount and date of each transaction) already contains information that is sufficient for later auditing purchases made with the cashless medium.

Since Hayashida does not teach or suggest remote transactions but is focused on direct/local transactions wherein the owner of the cashless medium is located at the POS and can thus receive the physical shopping receipt, there is no reason or suggestion for modifying Hayashida to provide transfer of receipt data as claimed. Additionally, because Hayashida's

transaction detail memory already stores amount and date of transaction information, the transaction device already has sufficient information for auditing transactions, and thus does not need the receipt information for this purpose. Yet the Office Action asserts that the motivation for modifying Hayashida is to provide for auditing of previous local transactions. Simply stated, the motivation for modifying Hayashida cannot be for solving a problem or providing a feature that Hayashida already solves or provides (i.e., auditing the previous local transactions of the cashless medium). Further, Applicant respectfully submits that Hayashida, in fact, teaches away from electronic transfer of receipt data as claimed by Applicant, at least to the extent that Hayashida explicitly teaches issuing a conventional, physical shopping receipt in an *otherwise electronic purchase transaction* that employs a cashless medium.

Accordingly, for the above reasons, the present invention as recited in claims 12 and 17 is neither taught nor suggested by the Hayashida reference. Claims 13-16 and 18 depend from claims 12 and 17 and are also believed to be patentably distinct at least for the reasons set forth above. Applicant respectfully requests that the outstanding rejections be withdrawn and the case passed to issuance.

The Examiner's time and attention to this matter are greatly appreciated.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.



Dated: May 17, 2001

By:

David V. Rossi
Registration No. 36,659

CORRESPONDENCE ADDRESS:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800 Telephone
(212) 751-6849 Facsimile